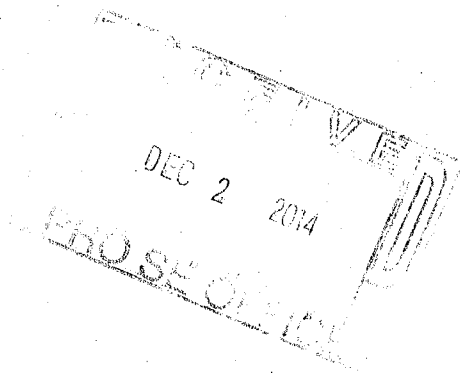


The Honorable William H. Pauley
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007



Re: Roderick Gunn v. U.S.A., 14-Civ-3228 (WHP)

U.S.A. v. Roderick Gunn, SI 06 Cr 911 (WHP)

Dear Judge Pauley:

Recently, I have submitted a letter motion seeking of the Court to enter an Order, with respect to my pending Discovery Disclosure Motion, pursuant to Rule 7 of the Rules Governing 2255 Proceedings, Rule 26(b)(1), and Rule 36(a)(1) of Fed. R. Civ. P., compelling the Government to provide an Affidavit stating whether or not the Government knowingly used perjured testimony and failed to correct the testimony before the jury. The request was made to support the Napue claim. In accordance with Your Honor's practices on "Communication With Chambers, Section I(D): Letter-Motions and Requests for Adjournments or Extension of Time, this motion to compel disclosure is resubmitted.

The court had entered an Order that any Reply by Petitioner, must be submitted within 30-days of receipt of Government's Memorandum in Opposition{Dock#5 and Dock#8}. The deadline date for my Reply is December 10, 2014. However, because the Court haven't yet responded to my pending

discovery disclosure Motion, pursuant to Rule 7(b) of Rules Governing 2255 Proceedings, Rule 26(b)(1), and Rule 36(a)(1), an extension of time is hereby requested. An extension of time to file a Reply is necessary to afford the Government time to provide a sworn Affidavit as requested in the pending Discovery Disclosure Motion pursuant to Rule 7(b) of Rules Governing 2255 Proceedings once the Court issues the Order, and for the Court to state whether it will conduct the in-camera hearing of the Government's Death Penalty Mitigation submission against Derrilyn Needham and disclose a redacted copy [if] the Death Penalty Report supports my Napue claim that the Government allowed Needham to testify falsely about her role in the Wickham Avenue robbery/murder offense.

This is the first request for extension of time, and a copy of this letter motion has been served upon the Government, as notice of the request. An additional 20-days is requested to file the Reply, which would be due on December 30th, 2014, after receipt of the Government's sworn Affidavit, and the Court's order granting or denying the in-camera review and disclosure of a redacted copy of the Government's Death Penalty Report on Needham. The in-camera review is necessary to verify whether the Government's theory of Needham's role in the Wickham Avenue robbery/murder corresponds with my Napue claim that Needham was allowed to testify falsely about her true role in the Wickham Avenue offense. The requested materials: Government's Affidavit, and Redacted Copy of Needham's Death Penalty Mitigation Report, are necessary to prepare the Reply. This request is supported by Rule 7(b) of

Rules Governing 2255 Proceedings, Rule 26(b)(1), and Rule 36(a)(1) of Fed. R. Civ. P, and a denial of the disclosure of the Government's Affidavit and the disclosure of a redacted version of the Government's Death Penalty Report [if] it shows that the Government had alleged that Needham instructed Davis to kill Grey, and provides any corresponding information that Needham planned the Wickham Avenue{as stated in her proffer}, would deprive me of a meaningful opportunity to present my claim with supporting evidence.

Wherefore, for the foregoing reasons, I respectfully request that the relief sought herein be granted.

Dated this 23rd day of November, 2014.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "R. Gunn", is written over a horizontal line.

Roderick Gunn

Acting pro-se

#48

CERTIFICATE OF SERVICE

I, Roderick Gunn hereby certify that I have served a true and correct copy of the following:

Letter Motion pursuant to Rule 7 of Rules Governing 2255 Proceedings; Rule 26(b)(1) and Rule 36(a)(1) of Fed. R. Civ. P.

Which is deemed filed at the time it was delivered to prison authorities for forwarding
Houston v. Lack, 101 L. Ed. 2d 245 (1988), upon the defendant/defendants and or his attorney/attorneys of record, by placing same in a sealed, postage prepaid envelope addressed to:

AUSA Daniel Tracer
U.S. Attorney's Office
One Saint Andrew Plaza
New York, N.Y. 10007

and deposited same in the United States Mail at

U.S.P. Atwater
P.O. Box 019001
Atwater, CA 95301

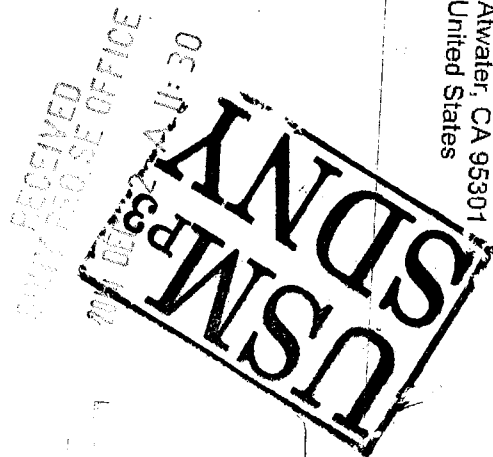
I declare, under penalty of perjury (Title 28 U.S.C. §1746), that the foregoing is true and correct.

Dated this 23rd day of November, 2014

R. Gunn 55254-094

55254-054

Roderick Gunn
United State Penitentiary
P.O. Box 019001
Atwater, CA 95301
United States



55254-054

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